



26308

PATENT TRADEMARK OFFICE

Patent

Customer No.: 26308

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edwards et al.

Docket No.: 9222.16785-CON

Serial No.: 09/924,935

Examiner: M. Peffley

Filed: 8 August 2001

Group Art Unit: 3739

Title: Apparatus to Detect and Treat Aberrant Myoelectric Activity

PETITION FOR AN UNINTENTIONALLY DELAYED BENEFIT CLAIM
PURSUANT TO 37 C.F.R. §1.78(a)(3)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests to amend the benefit claim under 35 U.S.C. §120 of the above-noted application, as follows in marked-up form:

This application is a continuation of co-pending US. Patent Application Serial No. 09/026,085, filed February 19, 1998. This application is also a continuation-in-part of co-pending US. Patent Application Serial No. 09/360,599, filed July 26, 1999, now abandoned, which is a continuation of US. Patent Application Serial No. 09/026,296, filed February 19, 1998, now U.S. Patent No. 6,009,877.

The benefit claim, amended as proposed, has been submitted in Applicant's Amendment D (filed 22 February 2005, a copy of which is attached as Attachment A), filed in response to the Office Action mailed September 27, 2004.

Applicant states that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. §1.78 and the date the claim was filed was unintentional.

Applicant hereby petitions for acceptance of the unintentionally delayed benefit claim.

The requisite fee under 37 C.F.R. §1.17(t) is submitted herewith.

Respectfully Submitted,

By Patricia A. Limbach
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22 February 2005

Customer No.: 26308

Current 16745 CON/09/222 Petition Under 37 C.F.R. 1.78(e)(1)

Enclosures: Attachment A
Certificate of First Class Mail
Return postcard



DAC # *[signature]*

CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, on the date indicated below in an envelope addressed as follows: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

By: *Linda S. Wenzel*

Dated: 22 February 2005

Linda S. Wenzel